

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOAN GRACE HARLEY, et. al., Plaintiff,	§ § § § § § §	CIVIL ACTION NO. 3:17-CV-03073-L-BF
VS.		
GREG ABBOTT, et al., Defendants.		

**DEFENDANT WARREN’S RESPONSE TO PLAINTIFF SEVIER’S MOTION
FOR SUMMARY JUDGMENT, INCORPORATING DEFENDANT WARREN’S
MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(2) & 12(b)(5)
AND BRIEF IN SUPPORT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Dallas County Clerk John Warren (“Defendant Warren”) and files this response to Plaintiff Chris Sevier’s (“Sevier”) Motion for Summary Judgment and Brief in support. In support thereof, Defendant Warren shows the following:

**I.
PROCEDURAL BACKGROUND**

Plaintiffs Joan H. Harley, Whitney Kohl, John Gunter, Jr., and Chris Sevier filed the instant suit in this Court on November 7, 2017. (Doc. 3).

On December 21, 2017, Defendant Warren filed a motion to dismiss and an amended motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(5) asserting that service of process is insufficient as a matter of law. (Docs. 28 and

29). Defendants Greg Abbott and Ken Paxton filed a motion to dismiss on December 22, 2017. (Doc. 32). Both of these motions are currently pending.

On December 29, 2017, Sevier filed Plaintiff Sevier's Motion for Summary Judgment and Brief in Support. (Docs. 35 and 36). This Court has not yet entered a scheduling order in this case.

II. **RESPONSE**

Defendant Warren incorporates by this reference Defendant Warren's Amended Motion to Dismiss under Fed. R. Civ. P. 12(b)(2) & 12(b)(5) and Brief in Support filed on December 21, 2017. (Doc. 29). As argued in the motion to dismiss, service of process is insufficient as a matter of law and this Court lacks personal jurisdiction over Defendant Warren.

Respectfully submitted,

FAITH JOHNSON
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

/s/ Tammy J. Ardolf
TAMMY J. ARDOLF
ASSISTANT DISTRICT ATTORNEY
TEXAS BAR NO. 90001536
Tammy.Ardolf@dallascounty.org
FEDERAL LITIGATION SECTION
133 N. RIVERFRONT BLVD., LB 19
DALLAS, TEXAS 75207-4399
(214) 653-3692
(214) 653-2899 (FAX)

ATTORNEYS FOR DEFENDANT
DALLAS COUNTY CLERK JOHN WARREN

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on all parties by its electronic filing, as required, on January 2, 2018.

/s/ Tammy J. Ardolf
TAMMY J. ARDOLF